

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ken Lerner *[Signature]*
Date: April 16, 2013
RE: ZP 13-0795SD, 357 Pine St.

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP 13-0795SD

Location: 357 Pine St.

Zone: ELM/RCO-C **Ward:** 5

Date application accepted: March 8, 2013

Applicant/ Owner: Paul Craven/Vermont Railway

Request: Subdivision of existing 4.48 acre parcel into two lots; Lot 1 having 3.91 acres and Lot 2 to have 0.57 acres. No construction or site improvements are proposed with this subdivision.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5. Conditional Use and Major Impact Review

Sec. 3.5.3 Exemptions

(d) Projects that do not result in a change of use or increased parking demand as determined by the administrative officer.

This is a vacant parcel and the proposal is for subdivision purposes only; no development is proposed on either of the newly created lots. Despite being located within and on the shore of the "Barge Canal", the subdivision of 357 Pine Street does not result in a change of use or increase the parking demand of the existing use. The exemption, therefore, may be applied for Major Impact Review. Conditional Use Review is not a requirement for combined Preliminary and Final Plat review. See Sec. 10.1.7, below.

Affirmative finding.

Article 4: Maps and Districts

Table 4.4.3-1 Dimensional Standards and Density

No development is proposed on either lot as the stated purpose of the subdivision is address superfund requirements. Any future development is required to obtain any and all permits required by local, state and federal regulations. **Affirmative finding as conditioned.**

Article 10: Subdivision Review

Sec. 10.1.7 Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3 Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

The application requests the creation of 2 lots from a single larger parcel, thus allowing consideration of combined Preliminary and Final Plat review. The project qualifies for an exemption from Major Impact Review (see Sec. 3.5.3, above.) As no development is proposed, Article 11 (Planned Development) does not apply. **Affirmative finding.**

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8 (d)) and final plats (Sec. 10.1.9 (d).)

Dec. 10.1.8 Preliminary Plat Review

Submission materials have included the required materials and details. **Affirmative finding.**

Sec. 10.1.8 (d) Review Criteria

The review of a preliminary plat by the DRB shall address all issues pertaining to conformance with city plans; the capacity of municipal infrastructure; and overall site development and configuration including but not limited to the preservation of open spaces and natural resources, the layout of blocks and lots; streets, sidewalks pathways, and other access ways; stormwater management systems, water, sanitary sewage and other utility systems; and buffering of uses.

In its review of a Preliminary Plat, the DRB shall include consideration of the input of the Conservation Board, Design Advisory Board and city departments where offered. Such comments shall be considered by the DRB throughout the review process.

Decisions by the DRB on a preliminary plat shall be based on the project's conformance with the following:

- 1. the requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*

The project lies within two zoning districts: RCO-C (Conservation) and ELM (Enterprise – Light Manufacturing). The shoreline of the Barge Canal is zoned RCO-C with a Natural Resource Protection Overlay due to being in a natural area, in a floodplain, a wetland, and a riparian and littoral zone. However, as no development is planned in connection with the proposed subdivision, no further consideration is necessary. Any future development shall be required to obtain any and all permits required at that time. **Affirmative finding as conditioned.**

- 2. the review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable;*

Not applicable.

3. *the requirements of Article 5 with regard to Special Uses and Performance Standards as applicable;*

Not applicable.

and,

4. *the land division and site development principles and design standards in Article 6.*

No development is proposed or planned under this subdivision request. **Not applicable.**

Sec. 10.1.9 Final Plat Approval Process

(a) Final Plat and Construction Detail Submission Requirements

1. *A letter requesting review and approval of the final plat and giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent. This was included on the plat submitted. Affirmative finding.*
2. *A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements. Affirmative finding.*
3. *Ten (10) copies of the final plat, as specified in subsection (6) below. Ten copies were not provided however a digital copy of the 11"x17" plat that was submitted can be made. Affirmative finding.*
4. *Ten (10) copies of the final site plan, as specified in subsection (7) below. Affirmative finding.*
5. *Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.*

No construction is proposed. **Affirmative finding.**

6. *Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:*
 - A. *Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.*
 - B. *Location, width, name, and final grade of proposed streets.*

These details are not relevant as no such construction is proposed. **Not applicable.**

- C. *Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.*

Also not relevant as no such construction is proposed. **Not applicable.**

- D. *Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.*
- E. *Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.*
- F. *Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.*

Submission materials include a site plan, prepared by a licensed surveyor. Identification is provided, where appropriate, for the proposed subdivision. As no construction is proposed, some submission requirements do not apply. The appropriate size of mylar plat for recording purposes is noted, and conditioned.

Affirmative finding as conditioned.

7. *Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:*

- A. *All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;*
- B. *Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4;*

Setbacks are noted in Table 4.4.3-1, above. **Affirmative finding.**

and,

- C. *Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.*

- i. Construction detail drawings: No construction is proposed.

Not applicable.

(d) Review Criteria:

The review of an application for final plat shall also take into consideration modifications to the preliminary plat as required by the DRB, and address all infrastructure designs and detailed site development including the stormwater management systems, erosion control, water and sanitary sewage, utility systems; architectural designs, and streets and sidewalks.

Decisions by the DRB on a final plat shall be based on the project's conformance with the following:

1. *the requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*

The application meets applicable district requirements; see Article 4 (above.)
Affirmative finding.

2. *the review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable; Not applicable.*
3. *the requirements of Article 5 with regard to Special Uses and Performance Standards as applicable; Not applicable.*

and, all development principles and design standards in Article 6. Not applicable.

Sec. 10.1.11 Recording of Final Plats

(b) Recording within 180 days

The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.

The plat to be filed with the chief administrative officer shall comply with the requirements of 27 V.S.A. Chapter 17 and Section 10.1.9 (a) 6 of this Article, and shall be drawn in black permanent inks on three (3) to five (5) mil. Stable-base polyester film (mylar). After such filing or recording, the plat shall be part of the City of Burlington Official Map. In addition to the final plat as recorded in the city land records:

1. *One copy of the approved plat shall be filed with the building inspector before building permits for structures within the subdivision are made available;*
2. *One copy of the approved plat shall be filed with the city assessor; and*
3. *a digital version of the approved plat shall be filed with the department of planning and zoning in a format acceptable to the administrative officer.*

Affirmative finding as conditioned.

Article 11 Planned Development

No development is proposed; therefore Article 11 does not apply. **Affirmative finding.**

Conditions of Approval

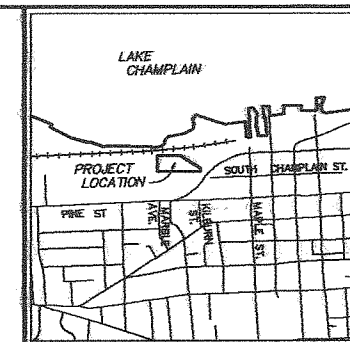
1. No on site development is planned in connection with the proposed subdivision. Any future development on either lot shall be required to obtain any and all permits required at time of application.
2. The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.
3. The plat to be filed with the chief administrative officer shall comply with the requirements of 27 V.S.A. Chapter 17 and Section 10.1.9 (a) 6 of this Article, and shall be drawn in black permanent inks on three (3) to five (5) mil. Stable-base polyester film (mylar). After such filing or recording, the plat shall be part of the City of Burlington Official Map. In addition to the final plat as recorded in the city land records:
 - i. One copy of the approved plat shall be filed with the building inspector before building permits for structures within the subdivision are made available;
 - ii. One copy of the approved plat shall be filed with the city assessor; and
 - iii. A digital version of the approved plat shall be filed with the department of planning and zoning in a format acceptable to the administrative officer.
 - iv. Standard Permit Conditions 1-18. (Zoning Permit time limits to be appropriately modified to reflect the 180 day provision, noted in (1), above.)

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DEPARTMENT OF
PLANNING & ZONING

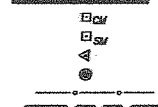


LOCATION MAP SCALE: 1" = 200'

State of Vermont
Vol. 151 Pg. 586
Vermont Railway
Vol. 163 Pg. 564 - LEASE

State of Vermont
Vol. 151 Pg. 566
Vermont Railway
Vol. 163 Pg. 564 - LEASE

LEGEND:



4"x4" CONCRETE MONUMENT FOUND
6"x6" STONE MONUMENT W/ DISTANCE BELOW GRADE
CALCULATED POINT
5/8" REINFORCEMENT BAR W/SURVEY MARKER TO BE SET
CHAIN LINK FENCE
BOUNDARY LINE

LOT 2
0.57 ACRES

LOT 1
3.91 ACRES
Vol. 1200 Pg. 723
Map Slide 146 No. 58
SEE NOTES 3, 6, 8, & 9

Estate of Lawrence Barnes
Vol. 34 Pg. 595

Citizens Oil Company, Inc.
Vol. 38 Pg. 366

Dennis P. Havey
Vol. 543 Pgs. 36-39
Map Slide 146 No. 58

City of Burlington
Vol. 97 Pg. 503

O'RAO Properties, LLC
Vol. 620 Pgs. 497-498
Map Slide 331-B

NOTES:

- Any future development or change in use, as enforceable, shall be subject to the City of Burlington Fire Department requirements as referenced in NFPA #1, the Vermont Building Safety Code, Burlington City Ordinances - specifically Chapter 13 - Fire Protection and prevention or subsequent revisions.
- Bearings are referenced to Grid North, Vermont Coordinate System of 1983.
- There are two deeds mentioned in Volume 4 page 311 that were not located. The parcel description is based on the deed in Volume 151 page 163.
- The deed in Volume 543 pages 36-39 conveys this strip of land. A recorded deed from Barnes or his estate conveying this parcel was not located.
- There are canal and shipping rights to others across this parcel, reference Volume 4 pages 311-312.
- There is a right of way to this parcel from the south end of South Champlain Street, reference Volume 151 page 163.
- This parcel has a pipe line easement across the State of Vermont parcel to Lake Champlain, reference Volume 163 page 145 - plan in Volume 163 page 153.
- There is a 'Grant of Environmental Restrictions and Right of Access' to the State of Vermont Agency of Natural Resources, reference Volume 880 pages 647-657.
- The stationing along the railroad is based on Valuation Sheet VZ-122 and the abutment at the draw bridge.
- There is a 30 foot wide right of way from Pine Street, reference Volume 1200 page 723. A right of way granted by Barnes or his estate was not located.
- The boundary survey was performed with a total station.
- The parent parcel has an area of 4.48 acres.

_____, city engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions:

By: _____
City Engineer

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey.

Agent - Owner: _____ Date: _____

_____, superintendent of parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions:

By: _____
City Superintendent of Parks

_____, fire marshal do hereby certify that the subject plat has been examined by me and found to comply with the fire prevention requirements set forth in this chapter [Article 10, Subdivision Review of the Comprehensive Development Ordinance of the City of Burlington, Vermont] governing plats of subdivided land adopted by the city council with the following exceptions:

By: _____
City Fire Marshal

"Approved be Resolution of the City of Burlington Development Review Board, Burlington, Vermont, on this _____ day of _____, 20____. Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."

Signed This _____ day of _____, 20____

By: _____

Witness: _____ DRB Chair:

Zoning Permit - Certificate of Appropriateness # _____

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREIN ACTUALLY EXIST OR ARE MARKED AS TO BE SET AND THEIR LOCATION, SIZE, TYPE AND MATERIALS ARE CORRECTLY SHOWN. THE PLAT IS BASED ON RECORD RESEARCH, FIELD MEASUREMENTS AND EVIDENCE, AND OTHER PERTINENT INFORMATION. THE PLAT COMPLIES WITH THE REQUIREMENTS OF V.S.A. 27 SECTION 1403 AND CONFORMS WITH THE STATE STANDARDS FOR THE PRACTICE OF LAND SURVEYING. THIS PLAT WAS PRODUCED BY AN INK JET PLOTTER.

STUART J. MORROW L.L.S. 565

SUBDIVISION PLAT
PROPERTY OF
Vermont Railway, Inc.
351 PINE STREET
BURLINGTON, VERMONT

SCALE: 1" = 50'
PROJECT NO.: 12124
DATE: December 2012

PREPARED BY
Stuart J. Morrow
CONSULTING LAND SURVEYOR
SHELBURNE, VERMONT

